

Application No. 09/854,733
Amendment "B" dated May 4, 2006
Reply to Office Action mailed March 20, 2006

REMARKS

The Office Action mailed March 20, 2006 considered claims 51-72. Claims 51-55, 57, 61-65, 67, 71-72 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl, et al (US 6,577,350) hereinafter *Proehl*. Claims 56 and 66 is/are rejected under 35 U.S.C. §103(a) as being unpatentable over *Proehl* in view of Anderson (US 6,005,631) hereinafter *Anderson*.¹

By this amendment claims 51-52 and 61-62 have been amended and new claim 73 has been added. Thus independent claims 51 and 52 (with depending claims 53 – 59 and 73) and 61 and 62 (with depending claims 63 – 72) are presented for reconsideration. Claims 52 and 62 are computer program product claims that otherwise correspond to the method as claimed in independent claims 51 and 52, respectively.

The application is generally directed to using scrolling commands to increase the amount of an electronic program guide (EPG) that is displayed together with a television program. For example, the claims of the present application recite adding slices representing a channel identifier, programming information, and one or more time periods, or adding time elements by scrolling towards a new slice that is not currently viewable to a viewer or by scrolling towards a new time element that is not currently viewable by a viewer. New slices and time elements can be added to the existing slices of the EPG until a predefined number of slices and/or time elements are reached.

Proehl teaches that multiple "levels of detail of program guide information is selectable by [a] user." *Proehl* further notes that "[a] zoom function is provided that enables the user to zoom in or zoom out" after which an "apparatus performs a program guide zoom function in which the level of detail of the program guide is expanded or compressed." Col. 1, lines 58-63. *Proehl* further teaches that the size of an EPG is reduced, and "details are added to the EPG as space permits...." Col. 5, lines 53-62. However, *Proehl* does not teach "in response to a viewer-activated scrolling command scrolling toward a new slice that is not currently viewable to the viewer, adding an additional slice of program guide information to said browse mode window" and "continuing to add another slice to said browse mode window using a viewer activated

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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scrolling command until a predefined number of slices is reached" as is now recited by the claims of the present application. Rather, as noted above *Proehl* chooses what information to display based on the level of detail and the amount of space available. While *Proehl* does teach scrolling through an EPG (e.g. col. 6, lines 7-19) this scrolling is performed on already displayed EPG data or at least does not result in increasing the size of the EPG by the addition of a slice or time element until a predefined number of slices is reached while continuing to display the retrieved slice as is recited by the claims of the present application.

The embodiments recited in the present application are advantageous over the teachings of *Proehl* because they cause the information that a viewer is interested in to be displayed rather than simply displaying data on a space permitting basis. As such, the claims of the present application are patentable over *Proehl*. With regards to *Anderson*, *Anderson* was cited for showing data slices displayed in numerical order, but does not provide the elements missing from *Proehl* with respect to the independent claims of the present application.

Proehl also clearly fails to disclose or suggest the embodiment recited in new claim 73, wherein the addition of a new slice of the program guide information to the browse mode window is performed without changing (e.g., reducing) the size of the slices. In other words, *Proehl* zooms by changing the size of their EPG elements whereas the present invention, as recited in claim 73, for example, does not necessarily require changing the EPG element sizes. Support for this new claim is based at least on the disclosure found in Figures 2 and 3. This can also be contrasted with *Proehl* Col. 1, ln. 66 thru Col. 2, ln. 3 and Col. 7, ll. 28-32, Fig. 10.

ELECTION/RESTRICTION REQUIREMENTS

In the last action, it appears that the Examiner wanted to withdraw newly submitted claims 58-60 and 68-70 for being directed to a non-elected invention because they include subject matter corresponding to original claim 13 which was not elected in the original restriction requirement. However, Applicants respectfully point out that original claim 13 was an independent claim, whereas claims 58-60 and 68-70 are dependent claims. As dependent claims, claims 58-60 and 68-70 are species of the generic claims from which they depend. MPEP 806 states that "[a] reasonable number of species may be claimed when there is an allowable claim generic thereto." Applicants respectfully submit that claims 58-60 and 68-70 represent a portion

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of a reasonable number of species of the genus represented by the independent claims. Accordingly, it is respectfully requested that these claims be considered for examination.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should it arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine references with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4 day of May, 2006.

Respectfully submitted,



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